



W.P(MD)No.6752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6752 of 2022

and

W.M.P.(MD)No.7825 of 2022

S.Sankara Arumuga Nainar Pillai

... Petitioner

Vs.

The Sub Registrar,
Joint II Sub Registrar Office,
Tirunelveli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to register the cancellation of settlement deed dated 09.04.2021 and settlement deeds dated 09.04.2021 and 09.04.2021 of the petitioner which is relating to the house and site admeasuring 70.5 ft East West and 17 Ft North South totally 1198.5 sq.ft in Town Survey Ward 7, Block 1, T.S.No.217 bearing D.NO.220, situated at Melaradhavedhi, Tirunelveli Town, Tirunelveli Corporation, Tirunelveli Joint II Sub Registration Limit, Tirunelveli Registration District.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.J.K.Jayaseelan
Government Advocate



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ORDER

Heard the learned counsel on either side.

2. The writ petitioner had executed a settlement deed dated 03.01.1996 registered on the file of the respondent and the same was registered as Document No.10 of 1996. Under the said settlement deed, the petitioner retained life estate and after his demise, it was to go to the sons. The sons were also given only life estate. The property was to devolve only on the grand children absolutely. Now, the petitioner is aged about 88 years. He wants to cancel the earlier settlement deed and execute a fresh settlement deed, so that, the grand children can straight away take the property absolutely. The petitioner's counsel states that this arrangement has the consent of his sons. The sons of the petitioner who were granted life estate will appear before the respondent and give their consent. Therefore, the respondent need not have any misgivings in registering the document.

3. In this view of the matter, the petitioner is permitted to re-present the document before the respondent and the respondent is directed to entertain the same and register it and also release it subject to fulfilment of usual formalities.



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4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2022

Index : Yes / No

Internet : Yes/ No

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To

The Sub Registrar,
Joint II Sub Registrar Office,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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